

State of South Dakota

EIGHTY-SIXTH SESSION LEGISLATIVE ASSEMBLY, 2011

472S0411

HOUSE BILL NO. 1067

Introduced by: Representatives Novstrup (David), Blake, Brunner, Conzet, Dryden, Gibson, Kirkeby, Moser, Turbiville, and White and Senators Cutler, Adelstein, Buhl, Gray, Haverly, Krebs, and Tieszen

1 FOR AN ACT ENTITLED, An Act to revise the lookback period for the enhancement of
2 penalties for multiple assaults and violations of protection orders.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-18-1 be amended to read as follows:

5 22-18-1. Any person who:

6 (1) Attempts to cause bodily injury to another and has the actual ability to cause the
7 injury;

8 (2) Recklessly causes bodily injury to another;

9 (3) Negligently causes bodily injury to another with a dangerous weapon;

10 (4) Attempts by physical menace or credible threat to put another in fear of imminent
11 bodily harm, with or without the actual ability to harm the other person; or

12 (5) Intentionally causes bodily injury to another which does not result in serious bodily
13 injury;

14 is guilty of simple assault. Simple assault is a Class 1 misdemeanor. However, if the defendant



1 has been convicted of, or entered a plea of guilty to, two or more violations of § 22-18-1, 22-18-
2 1.1, 22-18-26, or 22-18-29 within ~~five~~ ten years of committing the current offense, the defendant
3 is guilty of a Class 6 felony for any third or subsequent offense.

4 Section 2. That § 25-10-13 be amended to read as follows:

5 25-10-13. If a temporary protection order or a protection order is granted pursuant to this
6 chapter or a foreign protection order recognized pursuant to § 25-10-12.1, or if a no contact
7 order is issued pursuant to § 25-10-25, and the respondent or person to be restrained knows of
8 the order, violation of the order is a Class 1 misdemeanor. If any violation of this section
9 constitutes an assault pursuant to § 22-18-1, the violation is a Class 6 felony. If a respondent or
10 person to be restrained has been convicted of, or entered a plea of guilty to, two or more
11 violations of this section, the factual basis for which occurred after the date of the second
12 conviction, and occurred within ~~five~~ ten years of committing the current offense, the respondent
13 or person to be restrained is guilty of a Class 6 felony for any third or subsequent offense. Any
14 proceeding under this chapter is in addition to other civil or criminal remedies.